

# HOUSE BILL REPORT

## HB 1029

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**As Reported by House Committee On:**  
Transportation

**Title:** An act relating to all-terrain vehicles.

**Brief Description:** Regulating ATVs.

**Sponsors:** Representatives Simpson, Rodne, B. Sullivan and Anderson.

**Brief History:**

**Committee Activity:**

Transportation: 2/28/05, 3/5/05 [DPS].

**Brief Summary of Substitute Bill**

- All-terrain vehicle (ATV) operators must have a safety certificate when driving on public lands.
- The Department of Licensing must create an ATV safety education training program.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Murray, Chair; Wallace, Vice Chair; Appleton, Dickerson, Hankins, Hudgins, Jarrett, Lovick, Morris, Nixon, Rodne, Sells, Simpson, B. Sullivan, Takko, Upthegrove and Wood.

**Minority Report:** Do not pass. Signed by 8 members: Representatives Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Buck, Campbell, Curtis, Ericksen, Kilmer and Shabro.

**Staff:** Teresa Berntsen (786-7301).

**Background:**

Current law regulates certain aspects of the use and operation of off-road vehicles (ORVs), which include all-terrain vehicles (ATVs). These regulations include an operating permit requirement, certain equipment standards to lawfully operate on non-highway roads, and various restrictions on the manner and location in which an ORV may be operated.

Current law does not include safety education or training requirements for ORVs.

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**Summary of Substitute Bill:**

- Defines an ATV as a motorized off-highway vehicle with three or four tires.
- Requires the Department of Licensing (DOL) to create a comprehensive ATV safety education and training program. The program must provide for the hands-on training of ATV operators and for the issuance of safety certificates to those who successfully complete the training. Course content must be adopted from a curriculum developed by a nationally recognized safety organization.
- The DOL may charge \$10 for a safety certificate. The fees must be deposited into the newly created "ATV Safety Training and Education Account."
- The DOL may authorize qualified providers to conduct classes and issue ATV safety certificates. The provider may charge a reasonable fee for the training course.
- Beginning July 1, 2007, a person under 16 years of age must possess a safety certificate to operate an ATV on public land. The certificate may be issued by the DOL or an authorized provider, or by another state or Canadian province. An ATV operator who has at least one year of operating experience may obtain a safety certificate without training. A nonresident who does not possess a safety certificate may operate an ATV on public land for five days in a calendar year.
- Requires persons under 16 to be under continuous adult supervision while operating an ATV on public land.

**Substitute Bill Compared to Original Bill:**

The substitute bill:

- Requires only operators under age 16 driving on public lands to possess a safety certificate, instead of all persons driving on public lands.
- Changes effective date from July 1, 2006 to January 1, 2007.
- Changes requirement for ATV operators to obtain a safety certificate without attending an approved training course from at least 18 years old with five years operating experience to at least one year operating experience.
- Removes restriction that ATVs over certain sizes may only be sold to and operated on public lands by persons over certain ages.
- Removes the \$5 application fee for a safety certificate (\$10 issuance fee remains).
- Clarifies that the helmet and eye protection requirements and the passenger restrictions only apply when ATVs are operated on public land.
- Removes the DOL as the approver of ATV operator helmets and eye protection.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect on January 1, 2007.

**Testimony For:** According to a 2003 Consumer Product Safety Commission report, from 1997 to 2001 the estimated number of ATV-related injuries treated in hospitals rose from 54,700 to 111,700. The report also indicates the risk is substantially larger for younger riders, and that drivers with less than one year of driving experience have the highest risk, and that children under 16 suffer more injuries. ATV dealers offer training, but in 2001 only about seven percent of ATV operators took advantage of this training.

(With concerns) ATV manufacturers already offer free training to purchasers and immediate family members.

**Testimony Against:** ATV manufacturers already offer free training to purchasers and immediate family members. The bill would have a negative fiscal impact. The bill requires the Department of Licensing to approve helmets and eye protection, which is currently a Washington State Patrol responsibility.

**Persons Testifying:** (In support) Representative Simpson, prime sponsor; and Frank J. Warnke, Advocates, Inc./Motorcycle Industry Council.

(With concerns) John Eaton.

(Opposed) Ginger Magures, American Bikers Aimed Toward Education of Washington, Washington Road Riders Association, and Motorcycle Riders Foundation; Carl Spurgeon, Department of Licensing; and Larry L. Walker, Washington Road Riders Association.

**Persons Signed In To Testify But Not Testifying:** None.